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10/678,284	10/03/2003	Filippo Sanfilippo	4726/001	3484

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,284

Applicant(s)

SANFILIPPO, FILIPPO

Examiner

Marivelisse Santiago-Cordero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the Information Disclosure Statement (IDS) filed on 4/12/2004 have been considered.

Oath/Declaration

2. The oath/declaration is not dated.

Drawings

3. The drawings filed on 10/03/2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the examiner does not accept the changes to the drawing figure(s), applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

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A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

4. The disclosure is objected to because of the following informalities: the term "in body 14" (Page 3, line 9) should be replaced with --in body 12--; the repeated word "preferred" (page 5, line 17).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said strap part" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change the word "part" to --end-- in order to be consistent throughout the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 5, 7-8, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanfilippo (WO 02/063993).

Regarding claim 5, Sanfilippo discloses a method of securing an electronic device (Abstract) having a body (Fig. 3, reference numeral 15) and a cover (Fig. 3), said body and cover defining a cavity (note that the cavity is inherently present in order to put the battery of the electronic device), comprising: providing a securing strap having a biased coil (Fig. 2; page 3, 1st paragraph, lines 1-3; page 3, 2nd paragraph) with a filament (Figs. 1-4, reference numeral 2) attached to a strap end (Fig. 3, reference numeral 13; page 3; 4th paragraph, lines 4-7); coupling the biased coil to an accessory (Fig. 1, reference numeral 3; page 3, 1st paragraph, lines 3-5; note that the belt is the accessory); and mounting said strap end on said device (Fig. 3) with said filament extending between said accessory and said device (Fig. 1).

Regarding claim 7, Sanfilippo discloses the method of claim 5 (see above) wherein said strap end is secured to one of said body and said cover (Fig. 3).

Regarding claim 8, Sanfilippo discloses the method of claim 5 (see above) wherein strap end is coupled to said filament by coupling (Fig. 2, reference numeral 10) further comprising releasing said device from said accessory by disconnecting said coupling (Fig. 3; page 3, 4th paragraph, 4-7).

Regarding claim 10, Sanfilippo discloses the method of claim 5 (see above) further comprising incorporating said coil into said accessory (Fig. 1, reference numeral 3; page 3, 1st paragraph).

Regarding claim 11, Sanfilippo discloses a cellular telephone assembly comprising: a cellular telephone (Fig 1, reference numeral 1); an accessory (Fig. 1, reference numeral 4; note the belt); a coil incorporated in the accessory (Figs. 1 and 3, reference numeral 3) and having a filament (Figs. 1-4, reference numeral 2); and a strap end (Fig. 3, reference numeral 13) attached to said filament (Fig. 3, reference numeral 13) and being secured to said cellular telephone (Fig. 3; page 3, 4th paragraph).

Regarding claim 12, Sanfilippo discloses the assembly of claim 11 (see above) wherein said coil is biased so that when said filament is pulled out of the coil and released, it is automatically retracted (page 3, 2nd paragraph).

Regarding claim 13, Sanfilippo discloses the assembly of claim 11 (see above) further comprising an adhesive member attaching said strap end to said cellular telephone (page 4, 2nd paragraph).

Regarding claim 14, Sanfilippo discloses the assembly of claim 13 (see above) wherein said adhesive member is attached to an external surface of said cellular telephone (Fig. 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-4, 6, 9, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanfilippo in view of Tsuruta (JP 2002-344607 A).

Regarding claim 1, Sanfilippo discloses a method of securing a cellular telephone (Abstract) having two parts (Fig. 3, note the reference numeral 15 and the battery cover) to an accessory (Fig. 1, reference numeral 4) comprising: providing a securing strap having a main portion with a biased coil (Fig. 2; page 3, 1st paragraph, lines 1-3; page 3, 2nd paragraph) with a filament (Figs. 1-4, reference numeral 2) and a strap end (Fig. 3, reference numeral 13; page 3; 4th paragraph, lines 4-7); incorporating the main portion in the accessory (Fig. 1, reference numeral 3; page 3, 1st paragraph).

Sanfilippo fails to disclose forming an interference fit between the two parts to grab said strap end.

Moreover, regarding claim 2, Sanfilippo fails to disclose the method of claim 1, further comprising separating said parts, inserting said strap end between said parts and assembling said parts to trap said strap end.

In addition, regarding claim 3, Sanfilippo fails to disclose the method of claim 2, **further comprising** attaching said strap end to one of said parts (note that Sanfilippo does show in Fig. 3 attaching said strap end to one of said parts).

However, regarding claim 1, Tsuruta, in a method of securing a cellular telephone (Fig. 1, reference numeral 30) having two parts (Abstract; the two parts are the main body 31 and either the battery cover 34 or the battery pack), discloses forming an interference fit between the two parts to grab said strap end (Abstract; Figs. 1-8).

Moreover, regarding claim 2, Tsuruta discloses further comprising separating said parts (Figs. 1, 3, 5, and 7), inserting said strap end between said parts (Figs. 1, 3, 5, and 7) and assembling said parts to trap said strap end (Figs. 1-7).

In addition, regarding claim 3, Tsuruta discloses further comprising attaching said strap end to one of said parts (Figs. 1, 3, 5, and 7; note that the strap end is attached to the main body 31 of the cellular phone through mount part 46).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to form an interference fit between the two parts to grab said strap end of Sanfilippo; separating said parts, inserting said strap end between said parts and assembling said parts to trap said strap end; and attaching said strap end to one of said parts as suggested by Tsuruta.

One of ordinary skill in this art would have been motivated to form an interference fit between the two parts to grab said strap end; separating said parts, inserting said strap end between said parts and assembling said parts to trap said strap end; and attaching said strap end

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to one of said parts because it would cause no imperfection in the outward appearance even after the strap is fitted, and can stably be placed on a flat surface (Tsuruta: Abstract).

Regarding claim 4, in the obvious combination, Sanfilippo discloses providing an adhesive element for attaching said strap end (Abstract, last sentence).

Regarding claim 6, Sanfilippo discloses the method of claim 5 (see above). Sanfilippo fails to disclose wherein said device includes a battery and wherein said strap end is secured to said battery and said battery is mounted within said cavity.

However, Tsuruta, in a method of securing an electronic device (Abstract; Fig. 1, reference numeral 30) having a body (Fig. 1, reference numeral 31) and a cover (Fig. 1, reference numeral 34) defining a cavity (Fig. 1, reference numeral 39) comprising: providing a securing strap (Fig. 1, reference numeral 9) having a strap end (Fig. 1, reference numeral 11), discloses wherein said device includes a battery (Fig. 1, reference numeral 32) and wherein said strap end is secured to said battery (Abstract; note that the strap is provided between the device main body 31 and the battery cover or the battery pack; page 5, paragraph [0033]) and said battery is mounted within said cavity (Figs. 1, 3, 5, and 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the device of Sanfilippo a battery and wherein said strap end is secured to said battery and said battery is mounted within said cavity as suggested by Tsuruta.

One of ordinary skill in this art would have been motivated to include, in the device, a battery and wherein said strap end is secured to said battery and said battery is mounted within said cavity because the appearance of the equipment is not spoiled by the mounting area of an

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equipment, hence, it can be stabilized and placed in a flat surface (Tsuruta: page 5, paragraph [0033]).

Regarding claim 9, Sanfilippo discloses the method of claim 5 (see above). Sanfilippo fails to disclose further comprising assembling said body and said cover to form an interference fit grabbing said strap part.

However, Tsuruta, in a method of securing an electronic device (Abstract; Fig. 1, reference numeral 30) having a body (Fig. 1, reference numeral 31) and a cover (Fig. 1, reference numeral 34) defining a cavity (Fig. 1, reference numeral 39) comprising: providing a securing strap (Fig. 1, reference numeral 9) having a strap end (Fig. 1, reference numeral 11), discloses further comprising assembling said body and said cover to form an interference fit grabbing said strap part (Abstract; Figs. 1-8; page 5, paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to form an interference fit grabbing said strap part of Sanfilippo as suggested by Tsuruta.

One of ordinary skill in this art would have been motivated to form an interference fit grabbing said strap part because it would cause no imperfection in the outward appearance even after the strap is fitted, and can stably be placed on a flat surface (Tsuruta: Abstract).

Regarding claim 15, Sanfilippo discloses the method of claim 11 (see above) wherein said cellular telephone is composed of two mating parts (Fig. 3; note the rear surface 15 and the battery cover).

Sanfilippo fails to disclose wherein said strap end is inserted between the two parts and held attached to the cellular telephone by an interference fit between the two parts.

Moreover, regarding claim 16, Sanfilippo fails to disclose the assembly of claim 15 wherein said parts define a battery chamber and said cellular telephone includes a battery in said battery chamber and said strap end is attached to said battery.

However, Tsuruta, in a cellular telephone assembly comprising: a cellular telephone (Fig. 1, reference numeral 30) and a strap end (Fig. 1, reference numeral 11) being secured to said cellular telephone (Abstract; Figs. 1, 3, 5, and 7), discloses wherein said cellular telephone is composed of two mating parts (Abstract: Fig. 1, reference numerals 31 and 34) and wherein said strap end is inserted between the two parts (Figs. 1, 3, 5, and 7) and held attached to the cellular telephone by an interference fit between the two parts (Abstract; Figs. 1-8; page 5, paragraph [0033]).

Moreover, regarding claim 16, Tsuruta discloses wherein said parts define a battery chamber (Abstract; Fig. 1, reference numeral 39) and said cellular telephone includes a battery in said battery chamber (Fig. 1, reference numeral 32) and said strap end is attached to said battery (page 5, paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to insert the strap end of Sanfilippo between the two parts and held attached to the cellular telephone by an interference fit between the two parts; and wherein said parts define a battery chamber and said cellular telephone includes a battery in said battery chamber and said strap end is attached to said battery as suggested by Tsuruta.

One of ordinary skill in this art would have been motivated to insert the strap between the two parts and held attached to the cellular telephone by an interference fit between the two parts; and wherein said parts define a battery chamber and said cellular telephone includes a battery in

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said battery chamber and said strap end is attached to said battery because it would cause no imperfection in the outward appearance even after the strap is fitted, and can stably be placed on a flat surface (Tsuruta: Abstract).


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (Pub. No.: US 2003/0000975) discloses, in an electronic device, securing a strap into a first cover by disposing a removable second cover thereon; in which, preferably, the removable portion is the electronic device's battery.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER

7/18/05